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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,301	04/09/2004	Duncan C. Fung	1696(E&M)	1124
30010	7590	03/21/2006	EXAMINER	
AUZVILLE JACKSON, JR. 8652 RIO GRANDE ROAD RICHMOND, VA 23229			TSO, LAURA K	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/821,301	FUNG, DUNCAN C. <i>RM</i>
Examiner	Art Unit	
laura tso	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 January 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) 16-18 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Newly submitted claim 19 has been renumbered as claim 18 under rule 126.

Please correct your copy.

Claim Objections

Claims 1-18 are objected to because of the following informalities:

In claims 1, 8, 16 and 17: applicant should amend the claims to eliminate the word "or" since its multiple use in these claims are confusing.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Danno et al.

Danno discloses a decorative lamp comprising a lighting fixture including a socket [13] and a light bulb [15], a hollow pliant shell [3] having a decorative shape and an interior cylinder [9] integrally formed with the shell which engages the exterior surface of the socket [13]. Danno discloses that the housing is formed of plastic and the

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interior cylinder is formed of rubber or flexible plastic which meets the claimed limitation of polymeric materials or silicon polymers/rubbers.

Danno does not disclose that the inner cylinder is translucent. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the inner cylinder translucent so that the light from the bulb can shine through if the bulb is not fully pressed in.

Danno does not disclose that shell is formed of a material which is stable at temperatures in excess of 200 degrees C. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the shell fire resistant by making it from material which is stable at temperatures in excess of 200 degrees C as the device is to be used on a Christmas tree as an ornament.

Danno does not disclose that the shell is made formed to be colored, translucent or opaque. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the shell decorative by forming it to be colored, translucent or opaque as the device is to be used on a Christmas tree as an ornament.

Danno does not disclose a lens or globe over the light bulb. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a lens over the light bulb to direct or enhance the light coming from the bulb.

Allowable Subject Matter

Claims 16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Prior art fails to show or suggest a lamp cover comprising a hollow pliant shell having an interior surface and a decorative shaped exterior surface and a translucent interior cylinder integrally formed with the hollow pliant shell and sized to elastically engage the exterior of one of the following structures: the exterior light fixture, the lens, the bulb cover and the bulb, the translucent interior cylinder encompassing all or portions of the light fixture and bulb and physically separating one of the following structures from the hollow pliant shell: the light fixture, the light fixture lens, bulb cover and bulb, and wherein the translucent interior cylinder has opposing first and second ends, the first end is closed and the second end includes an aperture for insertion and engagement of one of the following structures to which the lamp cover is applied: the light fixture, the light fixture lens, the bulb cover and the bulb.

Prior art fails to show or suggest a lamp cover comprising a hollow pliant shell having an interior surface and a decorative shaped exterior surface and a translucent interior cylinder integrally formed with the hollow pliant shell and sized to elastically engage the exterior of one of the following structures: the exterior light fixture, the lens, the bulb cover and the bulb, the translucent interior cylinder encompassing all or portions of the light fixture and bulb and physically separating one of the following structures from the hollow pliant shell: the light fixture, the light fixture lens, bulb cover

and bulb, and wherein the translucent interior cylinder has opposing first and second ends that are both open is integral with the exterior surface at the first end and includes an aperture at the second end for insertion of and engagement with one of the following structures: the light fixture, the light fixture lens, the bulb cover and the bulb.

Response to Arguments

Applicant's arguments filed 1/3/2006 have been fully considered but they are not persuasive in part. With respect to applicant's arguments on page 4 of the correspondence received January 3, 2006: Applicant traverses the objection to the claims because the claims contain the word "or" in claims 1 and 8. Applicant states that the word "or" is proper in the context of these claims and then explains the claims with respect to the use of the word "or". The word "or" is used three times in claims 1 and 8. This use provides too many alternate scenarios and makes the reading of the claims confusing.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to laura tso whose telephone number is 571-272-2385. The examiner can normally be reached on M, W 6:30-3:00. However, the examiner is on extended maternity leave but does continue to periodically check her voice mail and will return messages at her convenience.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, sandra o'shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Laura Tso
laura tso
Primary Examiner
Art Unit 2875